

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMO DEVELOPMENT, LLC,
AMO MANUFACTURING USA, LLC
and AMO SALES AND SERVICE, INC.,

Plaintiffs,

v.

ALCON VISION, LLC,
ALCON LABORATORIES, INC. and
ALCON RESEARCH, LLC,

Defendants.

C.A. No. 20-842 (CFC) (JLH)

ALCON INC.,
ALCON RESEARCH, LLC, and
ALCON VISION, LLC,

Defendants and
Counterclaim
Plaintiffs,

v.

AMO DEVELOPMENT, LLC,
AMO MANUFACTURING USA, LLC,
AMO SALES AND SERVICE, INC.,
and JOHNSON & JOHNSON
SURGICAL VISION, INC.

Plaintiffs and
Counterclaim
Defendants.

JOINT INTERIM STATUS REPORT

Pursuant to Paragraph 23 the Court’s Scheduling Order entered February 11, 2021 (D.I. 61), as amended on December 20, 2021 (D.I. 226), April 8, 2022 (D.I. 318), and June 17, 2022 (D.I. 329), Plaintiffs and Counterclaim Defendants AMO Development, LLC, AMO Manufacturing USA, LLC, AMO Sales and Services, Inc., and Johnson & Johnson Surgical Vision, Inc. (collectively, “J&J Vision”), and Defendants and Counterclaim Plaintiffs Alcon Inc., Alcon Laboratories, Inc., Alcon Research, LLC, and Alcon Vision, LLC (collectively, “Alcon”), respectfully submit this Joint Interim Status Report.

I. NATURE OF THE MATTERS IN ISSUE

This case involves patent and copyright infringement claims, brought by AMO Development, LLC, AMO Manufacturing USA, LLC, and AMO Sales and Service, Inc. (collectively, “Plaintiffs”), against Alcon Vision, LLC, Alcon Laboratories, Inc., and Alcon Research LLC (collectively, “Defendants”). Plaintiffs assert Defendants infringe 16 patents and 21 registered copyrights. Alcon Inc., Alcon Research, LLC, and Alcon Vision, LLC have countersued AMO Development, LLC, AMO Manufacturing USA, LLC, AMO Sales and Service, Inc., and Johnson & Johnson Surgical Vision, Inc., for infringement of 5 patents.

Pursuant to the parties’ stipulation, on November 15, 2021, the Court stayed all patent infringement claims upon institution of *inter partes* review proceedings pending the PTAB’s last-to-issue final written decision or otherwise agreed by the

parties, so only Plaintiffs' copyright claims are currently proceeding according to the scheduling order as amended. D.I. 205. The parties anticipate that the PTAB's last final written decision will issue in December 2022.

II. PROGRESS OF DISCOVERY TO DATE

The cut-off for fact discovery was March 4, 2022. Opening expert reports were served on April 29, 2022, rebuttal expert reports were served on May 27, 2022, and reply expert reports were served on June 23, 2022. Expert depositions are underway and will be completed by the deadline for the close of expert discovery, except for certain expert depositions scheduled to be taken out of time pursuant to the parties' agreement due to various scheduling issues relating to other professional commitments and summer holiday schedules. All expert depositions are set to conclude by August 4, 2022 and sufficiently in advance of the Court's August 12, 2022 deadline for opening briefs for case dispositive and *Daubert* motions (D.I. 61, 226). The parties do not anticipate requesting rescheduling of any currently scheduled deadlines.

III. BRIEFING SCHEDULE FOR CASE DISPOSITIVE AND *DAUBERT* MOTIONS

Opening briefs for case dispositive and *Daubert* motions are due August 12, 2022, opposition briefs for case dispositive and *Daubert* motions are due September 16, 2022, and reply briefs for case dispositive and *Daubert* motions are due October 14, 2022. D.I. 61, 226.

IV. ISSUES REQUIRING THE COURT'S ATTENTION

The parties wish to bring to the Court's attention Alcon's Motion for Leave to Amend the Pleadings (D.I. 245), for which briefing is complete (D.I. 246; D.I. 262; D.I. 274).

There are no other outstanding motions currently pending.

The parties will continue to attempt to resolve any disputes that may arise without requesting the Court's intervention.

The parties will be prepared to discuss the status of the case with the Court at the status conference scheduled for August 3, 2022 at 11 AM.

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July 11, 2022

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